IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

W.P. No. 602 of 2004 (S/S)

Kunwar Virendra Veer Vikram Tripathi …… Petitioner

Versus

State of Uttaranchal,
Through Secretary, Home Department,
Secretariat, Dehradun & others …… Respondents

Mr. I.P. Gairola, learned counsel for the petitioner.
Mr. J.P. Joshi, learned Standing Counsel for respondent No. 1 to 4.
Ms. Beena Pandey, learned Standing Counsel for respondent No. 5.

Hon'ble P.C. Vernma, A.C.J.

By means of this writ petition, the petitioner has prayed for a direction to command the respondents to allow the petitioner to resume the duties and to pay him the arrears of salary w.e.f. 24.12.94.

Heard Mr. I.P. Gairola, learned counsel for the petitioner and Ms. Beena Pandey, learned Standing Counsel, who has accepted notice on behalf of State of Uttar Pradesh.

Petitioner is a Constable in Civil Police. While the petitioner was posted at Pithoragarh in the year 1993, he was transferred temporaily from Pithoragarh to Sultanpur. He was relieved on 06.01.1993 from Pithoragarh for Sultanpur. Petitioner remained posted in District Sultanpur till 09.12.1994, when an order was passed by which the petitioner was transferred back again from Sultanpur to Pithoragarh. In compliance of this order, the petitioner was relieved on 16.12.1994 from Sultanpur and he submitted his joining report on 24.12.1994 at Pithoragarh. But the said joining report was not accepted. Petitioner made several representations in this regard, but he was not allowed to join.

Thereafter, the petitioner preferred a writ petition in the Lucknow Bench of Allahabad High Court. The said writ petition has been dismissed not on the ground that the cause of action, now is in the State of Uttaranchal.

Since, the petitioner was not allowed to join in the State of Uttaranchal prior to the appointed day, he cannot be allowed to join after the appointed day in view of Section 73 of the Reorganization Act. The petitioner may approach the Director General of Police, Uttar Pradesh for his posting and joining and for all consequential benefits. The Director General of Police, Uttar Pradesh may issue appropriate orders with regard to the petitioner within a month from the date of production of certified copy of this order.

Subject to above, the writ petition is dismissed. No order as to costs.

(P.C. Verma, A.C.J.)

Dt. 11.06.2004
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